

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT MANNY and ERNESTINE
MANNY,

Plaintiffs,

v.

CITY OF CENTRALIA, et al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

Case No. 3:05-cv-51-WDS

ORDER

This matter is before the Court on the Order to Show Cause issued by this Court on December 22, 2005 (Doc. 22) after the Plaintiffs, Robert Manny and Ernestine Manny, failed to appear at a scheduled, in person, status conference.

At the show cause hearing, the Plaintiffs indicated that they did not appear at the December, 22, 2005 conference because they did not have transportation to the Courthouse. It is clear that the Plaintiffs received notice of the December 22, 2005 hearing. However, they did not appear and they did not contact the Court to indicate that they would not appear. While the Court is sympathetic to the Plaintiffs' financial status and the fact that they do not have a car, they **MUST** still appear at scheduled Court hearings. As the Court indicated at the show cause hearing, this is the Plaintiffs' lawsuit and it is their responsibility to prosecute this case. **In the future, the Court expects the Plaintiffs to appear at any scheduled event.** The Plaintiffs are instructed that they **MUST** contact chambers if they cannot appear at scheduled events. The Plaintiffs are **WARNED** that if they fail to appear at a scheduled hearing that has not been cancelled, they will be subject to sanctions including dismissal of their lawsuit. The lack of transportation will not be accepted as an excuse in the future.

The Court also discussed the issue of the Plaintiffs' representation. The Plaintiffs indicated that in the four months since their original attorney sought to withdraw, they have not been able to secure new counsel. The Plaintiffs are hereby **GRANTED** until **February 14, 2006** to acquire a new lawyer. This deadline will not be extended. If a lawyer does not enter an appearance on behalf of the Plaintiffs by February 14, 2006, this Court will assume that the Plaintiffs are proceeding *pro se* (without representation). A new schedule will be entered after the February 14, 2006 deadline. The Court reminds the Plaintiffs that, if they do proceed *pro se*, they must comply with all of the requirements of the Federal Rules of Civil Procedure.

DATED: January 17, 2006.

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge